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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number	10/765,576
Filing Date	January 26, 2004
First Named Inventor	COULOMBE et al.
Art Unit	2455
Examiner Name	Michael Young Won
Attorney Docket Number	944-003.214

### ENCLOSURES (Check all that apply)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ware, Fressola, Van Der Sluys & Adolphson, LLP		
Signature			
Printed name	Cathy A. Sturmer		
Date	January 21, 2009	Reg. No.	60,869

### CERTIFICATE OF TRANSMISSION/MAILING

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET: 944-003.214

USSN: 10/765,576

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

COULOMBE et al.

Serial No. 10/765,576

Filed: January 26, 2004

Title: Media Adaptation

Determination for Wireless Terminals

Group Art Unit: 2455

Examiner: Michael Young Won

*Certificate of Mailing*

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Andrea Ahern 1-21-09  
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Sir or Madam:

INFORMATION DISCLOSURE STATEMENT

Enclosed herewith are patents and/or publications for consideration by the Patent and Trademark office in regard to the invention claimed in the above-described application. In compliance with §1.56, such documents are listed in the enclosed Form PTO-1449.

Applicants request that the Patent and Trademark office make of record the above-identified documents. A full text copy of each document is attached, except for copies of U.S. patents and U.S. patent application publications. For documents not in English, an English translation or an equivalent English language patent or publication may be attached. Where a translation is not available, a concise explanation of the relevance of each document not in English is included either here or in the specification or the relevance is indicated by the categories indicated by a foreign examiner in an enclosed search report from a foreign patent office (see MPEP Section 609A(3)).

This Information Disclosure Statement (hereinafter "Statement") is submitted according to the following selected paragraph:

I. **Filed: (1) Before Examination (including in an RCE), or (2) with an RCE to Withdraw an Appeal, or (3) with an RCE after the Mailing of a Decision on Appeal**

- ☐ (1) This Statement is being filed under §1.97(b) within three months of the filing date of the application, or before the mailing of a first Office Action on the merits or before the mailing of a first Office Action after the filing of a

Request for Continued Examination under §1.114(a) and (b)(4) and before filing a Notice of Appeal.

- ☐ (2) This Statement is being filed under §1.114(d) with a Request for Continued Examination (or before the mailing of a first Office Action after the filing of the Request for Continued Examination) to withdraw an Appeal before any Decision on Appeal has been mailed in order to permit the Office to consider this Statement under §1.97(b)(4).
- ☐ (3) This Statement is being filed under §1.198 After a Decision by the Board (see §§41.50 and 41.54) has been mailed and is being filed with a Request for Continued Examination under §1.114(a) (or before the mailing of a first Office Action after the filing of the Request for Continued Examination) to permit the Office to consider this Statement under §1.97(b)(4) (see also MPEP §1214.07).

**II. A. Filed After Examination on the Merits has Commenced with Fee (without Certification) Before Prosecution is Closed, e.g., by a Final Action or Allowance**

- ☐ This Statement is being filed under §1.97(c)(2), with fee, **prior** to the mailing date of any Final Action, a Notice of Allowance or an Action that otherwise closes prosecution in the application. A check in the amount of the fee required by §1.17(p) is enclosed.

**II. B. Filed After Examination on the Merits has Commenced with Certification (without Fee) Before Prosecution is Closed, e.g., by a Final Action or Allowance**

- ☒ This Statement is being filed under §1.97(c)(1), with a certification under, §1.97(e) prior to the mailing date of any of a Final Action, a Notice of Allowance or an Action that otherwise closes prosecution in the application. The undersigned hereby states that (check one):
  - ☒ each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
  - ☐ no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.

**III. Filed After Prosecution has Closed with Both Fee and Certification, e.g., either: (1) After Final Action (but before filing a Notice of Appeal), or (2) After Allowance (but filed before or with Payment of the Issue Fee)**

- ☐ This Statement is being filed under §1.97(d), with fee and certification under §1.97(e), on or after the mailing date of either a Final Action, a Notice of

Allowance (but prior to payment of the Issue Fee) or any Action that otherwise closes prosecution in the application. A check in the amount of the fee required by §1.17(p) is enclosed. The undersigned hereby states that (check one):

- ☐ each item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

IV. **Filed in an RCE After Payment of the Issue Fee (but before the Issue Date) with a Petition to Withdraw From Issue with Petition Fee**

- ☐ This Statement is being filed after payment of the issue fee but before the issue date with a petition under §1.313(a) and 1.313(c)(2) with the fee of Rule 17(h), and with a Request for Continued Examination under Rule 114(d) and the fee of Rule 17(e) or is being filed before the mailing of a first Office Action after the filing of the Request for Continued Examination.

**Remarks**

The cited publication is an English language US publication corresponding to a German language publication (DE 10142270 A1) listed in the enclosed foreign search report dated December 1, 2008. A concise explanation of the relevance of the reference is specifically pointed out on pages 2-3 of the search report.

If there are fees and/or a petition due with this Statement that is/are for some reason incorrect or missing, the Commissioner is authorized to consider this paper as a substitute for any missing petition and/or to deduct/credit the missing amount or any shortfall/excess from/to our Deposit Account No. 23-0442.

Respectfully submitted,



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